

BRS Conventions COPs Highlights: Sunday, 12 June 2022

The Basel Convention (BC) was in full swing, opening discussion of the strategic framework and the Convention's various partnerships, among other issues. Contact groups met to discuss BC technical, legal, and strategic matters, and Stockholm Convention (SC) compliance.

Basel Convention

Matters Related to the Implementation of the Convention

Legal, compliance, and governance matters: Proposal by the Russian Federation to amend paragraph 2 of Article 6 of the Convention: BC COP President Álvarez-Pérez reported two proposals were submitted, by Canada (CRP.16) and the EU (CRP.20), which would be considered under the strategic framework. Considering these submissions, President Álvarez-Pérez proposed to defer discussion on this agenda item to the next BC COP.

The RUSSIAN FEDERATION noted that they are willing to work on the submitted proposals in the intersessional period.

Strategic Issues: Strategic Framework: The Secretariat introduced the documents (UNEP/CHW.15/3, Add.1; INF/5; INF/6/Rev.1). Sophie Bernier (Canada), for the Small Intersessional Working Group, presented the Secretariat's report on the final evaluation of the strategic framework for 2012-2021 (INF/5).

The EU noted challenges encountered by many parties in dealing with the Prior Informed Consent (PIC) procedure and, supported by NORWAY and NEW ZEALAND, introduced CRP.20, which invites parties and observers to submit comments on difficulties regarding and ways to improve the PIC procedure. He also suggested deferring the discussion on the development of a new strategic framework to future COPs.

CANADA introduced CRP.16, which suggested building upon the existing framework in revising and improving the strategic framework, and proposed a contact group.

EL SALVADOR, BOLIVIA, SWITZERLAND, CAMEROON, and NIGERIA welcomed both CRPs.

COLOMBIA suggested that the Implementation and Compliance Committee (ICC) undertake the work to evaluate the Convention's effectiveness.

JORDAN, supported by SWITZERLAND, underscored that lithium-ion and nickel batteries and solar panels should be included in the new strategic framework. SAUDI ARABIA suggested the link between the BC and the new plastic pollution instrument in the new strategic framework.

ARGENTINA requested the Secretariat to support the parties in implementing the report's recommendations.

Noting parties' low rate of response to the baseline and final evaluation questionnaires, VENEZUELA requested more financial and technical assistance.

A contact group, co-chaired by Keima Gardiner (Trinidad and Tobago) and Yaser Abu Shanab (Palestine), was established to consider the draft decision, taking into account the CRPs submitted.

Addressing the entry into force of the Ban Amendment: The Secretariat introduced the document (UNEP/CHW.15/4).

The DOMINICAN REPUBLIC and THAILAND reported that they are working toward the acceptance of the Amendment.

Exemplifying an export of hazardous waste from Italy to Tunisia, COTE D'IVOIRE suggested the Secretariat develop a register of all Ban Amendment violations.

LESOTHO, NIGERIA, and the MALDIVES encouraged parties to ratify the Amendment.

Ghana, for the AFRICAN GROUP, called for stronger efforts to prevent illegal trafficking.

The EU, Basel Action Network (BAN), and IPEN urged parties to ratify the Amendment and enact strong legislative provisions.

Parties adopted the decision pending approval of the budget.

Development of guidelines for environmentally-sound management: The Secretariat introduced the documents (UNEP/CHW.15/5, Add.1; 32) and the manual for stakeholders to ensure that notifications of transboundary movements meet environmentally sound management requirements (OEWG.12/INF/5/Rev.2).

Ghana, for the AFRICAN GROUP, welcomed the development of the guidelines, noting the importance of technical support for developing countries to fulfill their obligations under the Convention. NEPAL, EL SALVADOR, SENEGAL, and BANGLADESH underscored the need for capacity building and technical cooperation to implement the guidelines nationally and regionally.

IRAN said implementation should be voluntary, citing financial and technical challenges.

The EU supported the manual's adoption.

Parties adopted the decision pending approval of the budget.

Scientific and Technical Matters: Classification and hazard characterization of wastes: The Secretariat introduced the documents (CHW.15/7, INF/8).

The EU supported the draft decision but called for further consideration of the references to the Open-ended Working Group (OEWG), given that the COP is yet to take decisions on its work programme.

COLOMBIA and Ghana, for the AFRICAN GROUP, supported continued cooperation with the World Customs Organization (WCO) on the harmonized commodity description and coding system. ARGENTINA highlighted the importance of accounting for e-waste discussions under the Basel Convention.

IPEN called on parties to ensure that appropriate controls are applied to waste-derived fuels to ensure transparency of transboundary movements.

IRAN called for time to consult before the decision is taken.

BC COP President Álvarez-Pérez deferred the decision to Monday, 13 June.

National reporting: The Secretariat introduced the documents (CHW.15/8 and 32, INF/9, 19, 50, 51, 61), noting that comments received from parties and observers are available online.

The EU called for adding a reference to the revised practical guidance for the inventories for waste batteries containing lead and for waste oil.

TÜRKIYE welcomed the guidelines and, noting wide variation in waste notifications, called for standardization of parties' inventories.

Ghana, for the AFRICAN GROUP, highlighted the need for training related to Convention obligations.

KENYA proposed amending the decision to require yearly reporting. Many countries opposed, saying more frequent reporting is infeasible. Noting support for retaining a four-year cycle, BC COP President Álvarez-Pérez suggested leaving the text unchanged.

The EU noted it had submitted more extensive changes in writing and asked how these would be taken into account. Noting written comments had also been submitted by China, BC COP President Álvarez-Pérez requested the Secretariat to prepare a revised draft decision.

Electronic approaches to the notification and movement documents: The Secretariat introduced the documents (CHW.15/9, INF/62).

The EU, EL SALVADOR, VENEZUELA, and NIGERIA highlighted the value of electronic approaches to notification in improving monitoring and transparency.

The EU noted that references to the OEWG might require consideration after discussion of its work programme. BRAZIL called for OEWG13 to address electronic approaches.

The DOMINICAN REPUBLIC, MOROCCO, Ghana, for the AFRICAN GROUP, and ALGERIA underscored the need for technical and financial assistance to help countries establish electronic systems.

Further consideration of plastic waste: The Secretariat introduced the documents (CHW.15/10, 32, INF/10-12).

PAKISTAN urged the Secretariat to collect more information on control of illegal movement and emphasized the need for support to strengthen customs systems.

The EU called for a new workstream to evaluate rubber and leakages from sources other than tires and suggested discussing its proposed amendments to the draft decision in a contact group. NORWAY welcomed the revision of the pneumatic tires guidelines and supported the EU's call for a new workstream on rubber.

Referencing the negotiations of a new agreement on plastic pollution, SAUDI ARABIA urged parties to avoid duplication of efforts. BRAZIL stressed the BC should complement the new instrument.

The EU, NORWAY, NIGERIA, and CHINA said it would be premature to assess the effectiveness of BC measures to address plastic waste. CHINA said this evaluation should be coordinated with work on the strategic framework and national reporting.

The US called for prioritizing activities that support the implementation of the amendment.

GROUNDWORK SOUTH AFRICA, on behalf of several NGOs, underscored the need for chemical transparency, including in the plastic waste guidelines. IPEN emphasized that some types of plastics included in the recycling exemption list should not be exported.

Noting the EU's extensive list of proposed amendments, BC COP President Álvarez-Pérez mandated the contact group on technical matters to consider the changes.

Waste containing nanomaterials: The Secretariat presented documents (CHW.15/11, INF/52).

The EU, SWITZERLAND, ZAMBIA, NIGERIA, JORDAN, and MALI welcomed the work of the Secretariat and supported the adoption of the decision, with the EU proposing to bracket the reference to OEWG pending adoption of the decision on its work programme.

UNITED NATIONS INSTITUTE FOR TRAINING AND RESEARCH informed that they finalized an e-learning course on nanosafety and expressed availability to provide further information.

IPEN highlighted the lack of information on production and use despite growing evidence of danger coming from mismanagement. He urged parties to generate information on waste containing nanomaterials and encouraged the Secretariat and partners to increase awareness-raising activities.

The decision was adopted with brackets around the reference to the OEWG, as well as budget approval.

BC Partnership Programme: The Secretariat introduced the omnibus decision (CHW.15/18/Rev.1) on the various partnerships that are part of the BC Partnership Programme.

Follow-up Partnership to the Partnership for Action on Computing Equipment (PACE): The Secretariat introduced the progress report of the Partnership and its recommendations (CHW.15/32, INF/32, 37/Rev.1, 39).

Leila Devia (BC Regional Centre Argentina), Co-Chair of the Follow-up to PACE, outlined the recommendations, including amending the group's terms of reference and work programme to include additional types of e-waste.

Countries adopted this part of the decision, with many noting the need to better manage e-waste.

Environmental Network for Optimizing Regulatory Compliance on Illegal Traffic (ENFORCE): The Secretariat introduced the progress report (CHW.15/INF/34). Katie Olley (UK), Co-Chair of ENFORCE, presented recommendations to make the Network more specific and action-oriented.

The WCO called for greater collaboration between environmental and customs authorities to help identify new trends, disrupt organized crime groups, and collect data.

The EU supported the decision and requested adding that, in addition to reporting on progress, the Secretariat could also facilitate and provide expertise to the Network and organize its meetings. CANADA expressed concern that this change could pre-empt discussions on the terms of reference of ICC as it relates to ENFORCE.

A decision on this section was postponed pending discussions between the EU and Canada.

Household Waste Partnership: The Secretariat presented the guidance document and report on activities (CHW.15/18/Rev.1/ Add.1, INF/35).

Gabriela Medina Amarante (Uruguay), Co-Chair of the Informal Group, reported that the guidance was being trialed in Trinidad and Tobago. TRINIDAD AND TOBAGO reported it trialed six of the ten modules, which already provided lessons on the need for support and integrated solid waste management systems.

JORDAN, URUGUAY, NIGERIA, and SWITZERLAND supported the guidance document and encouraged further work given the difficulties of managing this waste, with examples cited including food waste, segregation at source, and low levels of collection and recycling.

The UK, the EU, and CANADA observed duplication with other technical guidelines and suggested postponing this decision until the completion of those guidelines and the trial period. SWITZERLAND said the household waste guidelines could be updated as needed.

The US suggested that parties remove the references to proposed amendments to Annex IV (disposal operations).

Parties agreed to ask the Secretariat to revise this part of the decision with interested parties.

Plastic Waste Partnership: The Secretariat introduced the group's activities (CHW.15/INF/36). Ole Thomas Thommesen (Norway), Co-Chair of the Plastic Waste Partnership, highlighted the work of the four project groups and the implementation of pilot projects.

Many countries supported the work of the partnership and urged interested actors, particularly the private sector, to join. JORDAN requested adding a reference to the UNEA5 decision to negotiate a new legally binding instrument on plastic pollution.

The Secretariat will revise this part of the decision.

Contact Groups

BC Technical Matters: The contact group, co-chaired by Patrick McKnell (UK) and Magda Gosk (Poland), discussed persistent organic pollutant (POPs) waste technical guidelines. One party could not agree to the proposed low-POPs content limits for hexa-, hepta-, tetra-, penta- and deca-BDEs. A few countries cited the need for more work on the limits for short-term chlorinated paraffins (SCCPs) to understand the implications of the various values, given the presence of SCCPs in a range of products, including plastics.

On Australia's proposal to include text on using cement kilns that can also treat wastes containing or contaminated with per- and polyfluoroalkyl substances (PFAS), a developing country group did not agree to include text or the reference that Australia is currently using this technology in the section on the state of commercialization. Some supported the latter reference to its commercialization saying that this did not add a new technical proposal. Discussions continued.

BC Legal Matters: The contact group, co-chaired by Mari-Liis Ummik (Estonia) and Florisvindo Furtado (Cabo Verde), met to try to advance the e-waste listings. Delegates debated the level of specificity required for the mirror entry (Y49) that would appear in Annex II that would list the non-hazardous e-wastes subject to the PIC procedure. Some countries argued for a "simple" approach that would list all e-waste, except for wastes that exhibit hazardous characteristics, according to Article 1.1, or are covered by an entry in list B. They suggested that this approach would be straightforward for implementing agencies to refer to anything not included in the hazardous waste listing to be therefore considered non-hazardous.

Other countries preferred more specificity to guide parties and avoid misinterpretation by exporters, especially for mixed e-wastes. The more detailed proposal specifies e-wastes with the exception of a list of the e-wastes identified as hazardous in Annex VIII (entry A1180).

Delegates expressed concern that a too-broad listing could mean the Y49 listing would mirror all of list B, even wastes that are not e-wastes, while others were concerned that a narrower listing could exclude hazardous wastes that are not listed in A1180 but may be a component or mixed with e-waste. Noting that "we all seem to agree to the idea, but struggle to put it on paper," Co-Chair Ummik asked parties to consult informally, and discussions continued.

BC Strategic Framework: In this contact group, co-chaired by Keima Gardiner (Trinidad and Tobago) and Yaser Abu Shanab (Palestine), participants commented on Canada's CRP on the preparation of an improved strategic framework for 2025-2030

and the EU's CRP on the work to improve the PIC procedure's functioning. Many countries indicated that the two proposals can be complementary, noting that improvement in both areas could enhance the Convention's effectiveness. Upon the insistence of a party, participants used the original text prepared by the Secretariat as the basis and invited parties to introduce their proposed changes from the CRPs.

On the EU's proposal, several parties noted that it would be the first step to improving the PIC procedure. An observer said the current PIC procedure has caused economic losses due to cancellations of many waste shipments.

On the Canadian proposal, which calls for establishing an expert working group to prepare a final draft of the improved strategic framework for consideration by OWEG13, a group, supported by one country, said the proposed timelines and mandate were too ambitious. The group expressed reservations about launching the work to develop a new strategic framework due to this COP's heavy workload.

The discussion will continue in the evening.

SC Compliance: The contact group, co-chaired by Glenn Wigley (New Zealand) and Trisha David (Guyana), discussed two general aspects of a potential compliance committee: its role regarding parties' obligations to provide technical assistance and financial resources, and its role in supporting parties who face implementation challenges. Various views were expressed, with discussion mostly revolving around the latter aspect. Some delegates shared their positive experience with BC ICC, citing the importance of ICC in assisting countries to understand how they are performing under the Convention, and highlighted the link between compliance and the effectiveness evaluation. Following this, some delegates expressed views that an SC compliance committee should be established with only one possible trigger – by the party itself, to initiate the process of assistance, while others preferred a minimum of three (as in the BC mechanism). Most delegates agreed that a non-punitive and facilitative compliance committee needs to be established. One country opposed. The Co-Chairs will summarize the discussion and report to the plenary.

In the Corridors

With the Basel Convention COP fully in swing, a lot of people around the venue – and especially in the e-waste discussions – were flipping through paper copies of "our little green book," as one delegate called the Convention text. Being over 30 years old, Basel Convention listings require technical expertise and time to include types of waste in the scope of the Convention. With time in short supply, because the BC has just two more days, and discussions on e-waste and plastic wastes are seemingly far from completion, one Co-Chair asked for delegates' understanding in advance as she "speeds up the pace of work."

Given the current pace, some are worried that there may be less time available to discuss important BC compliance issues, which are addressed by the same group working on e-waste. And as today's discussions on the SC compliance mechanism showed, parties don't have the appetite for a punitive approach, which some worried the BC ICC would embrace if the proposed changes to its mandate are adopted...if they can find the time.

As the Rotterdam Convention COP readies its start, some participants foresaw challenges adding new chemicals to the Convention. Despite the recommendations made by the Chemicals Review Committee, one said the ongoing failure to list pesticides kept important information from developing countries on the safe management of these chemicals. Being pessimistic about these upcoming negotiations, a seasoned observer wondered if it might be worth leaving more time for delegates to make "more concrete progress" under the other two Conventions.